

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, JANUARY 8, 2004  
8:15 A.M.**

Commissioners Present: Ray Stevens, Chair  
Larry Hudkins, Vice Chair  
Bob Workman  
Deb Schorr

Commissioners Absent: Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Kristy Mundt, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:18 a.m.

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,  
DECEMBER 18, 2003**

**MOTION:** Workman moved and Schorr seconded approval of the Staff Meeting minutes of December 18, 2003. Workman, Stevens and Schorr voted aye. Hudkins was absent from voting. Motion carried.

Hudkins arrived at 8:20 a.m.

**2 ADDITIONS TO THE AGENDA**

- A. Road Closure on Havelock Avenue Between North 162<sup>nd</sup> and North 176<sup>th</sup> Streets
- B. Report on the Mayor's Sidewalk, Roads and Trails Committee
- C. Meeting with Village Boards and Clerks
- D. Freedom Breakfast (January 16, 2004)

**MOTION:** Hudkins moved and Workman seconded approval of the additions to the agenda. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

### **3 COMMISSIONER MEETING REPORTS**

A. Families First & Foremost (F<sup>3</sup>) Conveners - Schorr

Schorr said discussion focused on operation changes at the Youth Assessment Center (YAC).

B. Visitors Promotion Advisory Committee (VPAC) - Schorr

See Item 8.

C. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

No report.

D. Public Building Commission (PBC) - Hudkins, Workman

Hudkins and Workman said the new parking garage and expansion of the Lincoln/Lancaster County Health Department were discussed.

E. Lincoln Partnership for Economic Development (LPED) Investors - Stevens

Stevens said Mayor Seng reported on Lincoln's economic condition.

F. Monthly Meeting with Mayor - Stevens, Hudkins

Stevens said discussion focused on the future of the State Fair, the Infrastructure Finance Study Committee and a county-wide wheel tax.

G. Lincoln Independent Business Association (LIBA) Monthly Meeting - Stevens

Stevens said the meeting was routine in nature.

H. State Fair Partnering Committee - Heier

No report.

**4 LEGISLATIVE UPDATE** - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit A). He also reported on LB 32 (authorize storm water management programs for certain political subdivisions as prescribed) and said the impact to any one entity has been capped at \$1,000.

Hudkins asked Kissel to check whether the cap would be applied per site or on property in aggregate.

Dave Shively, Election Commissioner, appeared and proposed legislation to allow filing fees for county offices to be paid at the Election Commissioner's Office, rather than the County Treasurer's Office.

Terry Adams, Deputy County Treasurer, appeared and said he is still investigating whether the fees could be paid at the Motor Vehicle Services facility, which is located next to the Election Commissioner's building.

Kissel said he will check with the Government, Military and Veterans Affairs Committee to see whether the language could be included in a clean-up bill.

**MOTION:** Hudkins moved and Workman seconded to direct Gordon Kissel, Legislative Consultant, to pursue legislation, with permissive language, to achieve one-stop filing at the Election Commissioner's Office. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

**ADDITIONS TO THE AGENDA**

- A. Road Closure on Havelock Avenue Between North 162<sup>nd</sup> and North 176<sup>th</sup> Streets

Don Thomas, County Engineer, appeared and proposed temporary closure of Havelock Avenue between North 162<sup>nd</sup> and North 176<sup>th</sup> Streets, due to winter road conditions.

**MOTION:** Hudkins moved and Workman seconded approval of the request.

Eagan advised against taking action on an item that was added to the agenda.

The maker of the motion and the seconder withdrew their motion.

The Board scheduled the item on the January 13, 2004 Board of Commissioners Meeting agenda.

B. Report on the Mayor's Sidewalk, Roads and Trails (SRT) Committee

Stevens said the Mayor's Sidewalk, Roads and Trails (SRT) Committee is pursuing options for funding of new infrastructure, primarily roads. He said Don Thomas, County Engineer, will serve as the County's primary contact for the committee.

C. Meeting with Village Boards and Clerks

The following agenda items were suggested: 1) Planning issues; 2) Acreage Reports; 3) Code enforcement in the villages; 4) High-speed broadband internet service; 5) Rural addressing project; 6) Rural communications system; and 7) Roundtable discussion.

D. Freedom Breakfast (January 16, 2004)

Stevens said a benefactor has made tickets for the event available to the Board.

- 5 PRESENTATION ON SALT CREEK TIGER BEETLE** - Bill Allgeier, Graduate Student at the University of Nebraska; Leon Higley, Professor of Entomology at the University of Nebraska; Steve Spomer, Research Technologist in Entomology at the University of Nebraska

Bill Allgeier, Graduate Student at the University of Nebraska, gave a presentation on the Salt Creek Tiger Beetle (Exhibit B).

The following documents were also distributed: Preserving Nebraska's Natural Treasures, One Beetle: An Entire Ecosystem and Nebraska Salt Marshes: Last of the Least (Exhibits C & D).

- 6 A) INSTALLATION OF RURAL ADDRESS MARKERS; AND B) RAILROAD CROSSINGS (WEST WITTSTRUCK ROAD, WEST PARKER ROAD AND SOUTHWEST 142<sup>ND</sup> STREET)** - Don Thomas, County Engineer; Doug Ahlberg, Emergency Management Director

**A) Installation of Rural Address Markers**

Doug Ahlberg, Emergency Management Director, said there may be funds available through the Office of Domestic Preparedness (ODP) Grants for the rural addressing project, as it relates to emergency response. He said those funds have not been allocated, to date.

Don Thomas, County Engineer, said funds have been budgeted for materials and waiting for grant funding would delay the project, possibly into next year.

Board consensus was to proceed with the project and to investigate whether the County would be eligible for reimbursement.

**B) Railroad Crossings (West Wittstruck Road, West Parker Road and Southwest 142<sup>nd</sup> Street)**

Thomas reported on a recommendation from the Nebraska Department of Roads to: 1) Close the West Wittstruck Road and West Parker Road railroad crossings; 2) Realign West Parker Road; and 3) Replace the crossing surface and install signals and gates at Northwest 142<sup>nd</sup> Street (see agenda packet). Lancaster County will receive \$5,000 from the State, \$5,000 from the Burlington Northern Santa Fe Railroad (BNSF) and the actual cost of closure, not to exceed \$12,000 per location. Federal, State and BNSF funds will be used for the cost of additional right-of-way, construction of the new road, signals and gates and crossing surface. Lancaster County is asked to provide preliminary engineering, right-of-way acquisition and construction inspection.

The Board viewed a map of the area (Exhibit E).

Thomas said closure of West Wittstruck Road will cause area residents and farmers to take a circuitous route. He recommended that the Board notify the Nebraska Department of Roads that it is not inclined to close the crossings at this time, will pass on signals and gates on Northwest 142<sup>nd</sup> Street and will investigate the alignment of West Wittstruck Road.

Hudkins said the Lancaster County Farm Bureau supports the County Engineer's recommendation.

**MOTION:** Workman moved and Hudkins seconded to follow the County Engineer's recommendation. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

**7 COUNTY SPECIAL PERMIT NO. 204 AND CITY/COUNTY PRELIMINARY PLAT NO. 03007, FINIGAN 2<sup>ND</sup> ADDITION AT 84<sup>TH</sup> AND WAVERLY ROAD - Mike DeKalb, Planning Department**

Mike DeKalb, Planning Department, gave an overview of County Special Permit No. 204 and City/County Preliminary Plat No. 03007, a community unit plan and preliminary plat for four (4) acreage residential units on 77.3 acres northwest of the intersection of North 84<sup>th</sup> Street and Waverly Road (Exhibit F), noting a split jurisdiction with the City.

DeKalb said Planning staff recommended deferral until completion of build-through standards and said the Planning Commission disagreed with the staff recommendation and voted 6-1 to recommend conditional approval of that portion of the preliminary plat located in the county jurisdiction. One neighbor testified in opposition, citing traffic concerns.

**8 VISITORS PROMOTION ADVISORY COMMITTEE (VPAC) RECOMMENDATIONS REGARDING LEGISLATION, BUDGET ALLOCATIONS, LINCOLN CONVENTION AND VISITORS BUREAU (CVB) MONTHLY ACTIVITY REPORT AND STRATEGIC PLAN) - Tom Lorenz, Visitors Promotion Advisory Committee (VPAC) Committee Chair; Jim Fram, Lincoln Chamber of Commerce President; Wendy Birdsall, Lincoln Chamber of Commerce; Sandi Witkowicz, Lincoln Convention & Visitors Bureau (CVB) Director**

Jim Fram, Lincoln Chamber of Commerce President, presented the following (Exhibit G): Lincoln/Lancaster County Convention & Visitors Bureau, 2003-2004 Reallocation; Budget Documentation; Tactical Plan; and December, 2003 Activity Report.

**MOTION:** Schorr moved and Hudkins seconded to accept the revised budget, as presented. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

**9 EXECUTIVE SESSION (PURCHASE OF REAL ESTATE)**

**MOTION:** Hudkins moved and Workman seconded to enter Executive Session at 10:50 a.m. to discuss a real estate purchase. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

**MOTION:** Schorr moved and Workman seconded to exit Executive Session at 11:51 a.m. Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

**MOTION:** Hudkins moved and Schorr seconded to schedule acceptance of a letter of intent to purchase property at 2966 "O" Street, commonly known as the Community Blood Bank Building, on the January 13, 2004 Board of Commissioners Meeting agenda.

Eagan recommended that the Board direct the County Attorney's Office to draft appropriate language to reflect the Board's intent.

The maker of the motion indicated acceptance of that language.

Don Killeen, County Property Manager, said a condition stipulating a deadline of 5 p.m. on Friday, December 26, 2003 for acceptance of the County's offer was included in an accompanying document. That condition was not met.

The maker of the motion called the question.

Killeen said, from a real estate broker's standpoint, the deadline was not part of the purchase agreement and said the County has a signed purchase agreement in place, contingent upon Dean Settle, Community Mental Health Center Director, meeting with the Hartley Neighborhood Association.

Settle said he plans to do so on January 15, 2004.

The maker of the motion and the seconder withdrew their motion.

**MOTION:** Schorr moved and Hudkins seconded to direct the County Attorney's Office to prepare appropriate language to accept the purchase agreement, waiving the deadline for acceptance by the Community Blood Bank Board of Directors and retaining the condition that Dean Settle, Community Mental Health Center Director, meet with the Hartley Neighborhood Association, for the January 20, 2004 Board of Commissioners Meeting. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

## **10 ACTION ITEMS**

### **A. Microcomputer Requests:**

1. C#2003-476, \$656.50 for Two (2) Palm Pilots from the Public Defender Budget

**MOTION:** Workman moved and Hudkins seconded to deny the request.

**FRIENDLY AMENDMENT:** Schorr offered a friendly amendment to develop a policy for Palm Pilots.

The maker of the motion rejected the friendly amendment.

**AMENDMENT:** Schorr moved and Stevens seconded to develop a policy for Palm Pilots.

Hudkins objected to the amendment, deeming it not germane to the motion.

The Chair ruled the amendment out of order and did not forward the motion to the body for a vote.

**ROLL CALL ON THE ORIGINAL MOTION:** Workman, Schorr and Hudkins voted aye. Stevens voted no. Motion carried.

2. C#2003-479, \$521.55 for Three (3) 17" Monitors from the Adult Probation Budget

**MOTION:** Workman moved and Hudkins seconded approval. Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

- B. Paycheck Insert for January 15, 2004 (Wellness Newsletter)

**MOTION:** Hudkins moved and Workman seconded approval. Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

- C. City/County Common Agenda Items (February 3, 2004)

The Board asked that the agenda items that were originally scheduled for the January City/County Common Meeting (meeting was cancelled) be scheduled on the agenda. Those items are: 1) Election of officers for 2004; 2) Annual Weed Control Report; and 3) Expansion of the Lincoln/Lancaster County Health Department Building.

- D. Agenda Items for Meeting with City Council and Lincoln Board of Education (January 20, 2004)

The Board requested a report on insurance requirements for contractors.

- E. Report to Nebraska Department of Economic Development Regarding Archer Daniels Midland (ADM) Project

**MOTION:** Workman moved and Hudkins seconded to approve signature by the Chair. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

- F. Hiring Requests:
  1. Community Mental Health Center - Mental Health Specialist (Funding by Jail Diversion Grant)
  2. Community Mental Health Center - Mental Health Technician for Crisis Center (Replacement)
  3. Lancaster Manor - Building Cleaner

**MOTION:** Workman moved and Hudkins seconded approval. Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

- G. Request from Families First & Foremost (F<sup>3</sup>) for Wiring at Northbridge Offices

Board consensus was to hold the request and request additional information from Sheryl Schrepf, F<sup>3</sup> Director, and a recommendation from Don Killeen, County Property Manager.

## **11 ADMINISTRATIVE OFFICER REPORT**

- A. Automated External Defibrillators (AED's)

**MOTION:** Hudkins moved and Schorr seconded to authorize Kerry Eagan, Chief Administrative Officer, to send a letter to county departments asking them to hold off on purchasing Automated External Defibrillators (AED's) pending further review by the County Attorney's Office and County Safety Committee, with copies to Don Taute, Personnel Director; Bill Kostner, City Risk Manager; and John Reid, City Safety & Training Coordinator. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

- B. Pension Review Committee Recommendation Regarding Payment of Invoice from Segal Advisors (Pension Consultant) with Revenue Sharing Funds

Eagan said the Pension Review Committee is unanimously opposed to paying an invoice from Segal Advisors (Pension Consultant) out of revenue sharing funds. He said he will continue to monitor completion of deliverables.

- C. Questionable Claims from County Attorney and Election Commissioner (Mileage Reimbursements)

Dave Shively, Election Commissioner, appeared and provided an explanation of mileage reimbursement claims from his office.

**MOTION:** Hudkins moved and Schorr seconded to address the claims from the County Attorney and Election Commissioner through the regular claims process at the January 13, 2004 Board of Commissioners Meeting. Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

D. Federal Economic Development Districts

Gwen Thorpe, Deputy Chief Administrative Officer, said Darl Naumann, Aide to the Mayor for Economic Development , has indicated that attendance is not necessary.

E. Lincoln Independent Business Association (LIBA) 2004 Meeting Schedule

Board consensus was to accept the proposed schedule (see agenda packet).

F. Lincoln/Lancaster County Health Department Expansion

Eagan said the governing bodies are required to take separate action on the matter and could hold separate or joint public hearings.

Hudkins said he believes it would be advantageous to hold separate public hearings.

G. Procedure for Authorizing Submission of Grants by Randall Funding and Development, Inc.

Item held.

H. Wilderness Park Advisory Committee

The Board requested a briefing by Terry Genrich, Parks & Recreation Natural Resources Manager.

I. Six Month Performance and Salary Review for Kim Etherton, Community Corrections Director

**MOTION:** Schorr moved and Workman seconded to: 1) Direct Commissioner Heier (Corrections Board Chair) to meet with Kim Etherton, Community Corrections Director; and 2) Schedule the item on the Mid-Year Budget Review agenda. Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

J. Letter from Nebraska Department of Roads Regarding 7<sup>th</sup> Street Bridge Over Interstate 80

Board consensus was to refer the letter to Don Thomas, County Engineer, for recommendation.

K. Closure of Old Cheney Road at Highway 77

**MOTION:** Hudkins moved and Schorr seconded to send a letter to the Nebraska Department of Roads and City Public Works/Utilities indicating that the County Board is opposed to the closure. Hudkins, Schorr and Stevens voted aye. Workman voted no. Motion carried.

L. Update on Contract with People's Health Center

Eagan said the County Attorney's Office is drafting a contract that will enable the County to purchase equipment for the People's Health Center in exchange for services to General Assistance (GA) clients.

M. Food Bank Drive

Board consensus was to ask Cori Beattie, County Board Administrative Secretary, to either serve as the coordinator of the County's Food Bank Drive or to find a replacement.

N. Nebraska Association of County Officials (NACO) County Board Workshop (February 11-13, 2004)

Workman indicated plans to attend the workshop.

O. Development Disability Contracts

The Board scheduled the item on the January 13, 2004 Board of Commissioners Meeting agenda.

P. Conservation Easement South of Wilderness Park

Eagan recommended that the Board not waive its rights to sign for the Nebraska Environmental Trust Grant easements.

The Board concurred with the recommendation.

Q. Letter from City Councilman Glenn Friendt Regarding Lincoln-Lancaster County Ecological Advisory Committee (EAC)

The Board asked that follow-up discussion be scheduled with Terry Genrich, Parks & Recreation Natural Resources Manager, and that City Councilman Glenn Friendt be invited to attend the discussion.

R. Reassignment of Juvenile Expediter from Youth Assessment Center (YAC) to Human Services

Board consensus was to not reassign the Juvenile Expediter at this time.

## **12 ADJOURNMENT**

**MOTION:** Workman moved and Hudkins seconded to adjourn the meeting at 1:12 p.m. Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk